2/3638



Sarah W. Bailiff Senior General Attorney BNSF Railway Company P.O. Box 961039 Fort Worth, TX 76161-0039

2500 Lou Menk Drive, Third Floor Fort Worth, TX 76131

Tel: 817-352-2354 Fax: 817-352-2397

E-mail: sarah.bailiff@bnsf.com

VIA OVERNIGHT MAIL

Office of Proceedings
MAR 29 2005

March 28, 2005

Part of Public Record

The Honorable Vernon A. Williams Secretary Surface Transportation Board 1925 K Street, N.W. Washington, DC 20423-0001



Re: STB Finance Docket No. 34667; BNSF – Acquisition and Operation – State of South Dakota

Dear Secretary Williams:

Enclosed are an original and ten copies of my "Affidavit of Publication Pursuant to 49 C.F.R. §1150.10(f)" regarding the above-referenced matter. Attached to my affidavit is a copy of the summary of BNSF's February 18, 2005 filing with the Surface Transportation Board of a Railroad Application to Acquire and Operate Certain Rail Lines in South Dakota and Iowa. The summary was published in a newspaper of general circulation in each of the counties in which the rail lines subject to this transaction are located, pursuant to the requirements of 49 C.F.R. §1150.10(f). Attached are copies of affidavits of publication for your reference.

If you have any questions, please call me at (817) 352-2354.

Sincerely,

Sarah Bailiff

SWB/js

Enclosure

cc: Parties of Record

Adrian Steel

Sarah Bailiff/g

AFFIDAVIT OF PUBLICATION PURSUANT TO 49 C.F.R. §1150.10(f)

I, Sarah W. Bailiff, Senior General Attorney for BNSF Railway Company, do hereby certify that I caused to be published the attached summary of the February 18, 2005 filing by BNSF Railway Company with the Surface Transportation Board of a Railroad Application to Acquire and Operate Certain Rail Lines in South Dakota and Iowa in STB Finance Docket No. 34667 ("Application") in a newspaper of general circulation in each of the counties in which the rail lines subject to this transaction are located. This Affidavit of Publication is made in compliance with the requirements of 49 C.F.R. 1150.10(f). I hereby certify that I am qualified and authorized to file this Affidavit of Publication.

The foregoing is true and correct to the best of my knowledge, information, and belief.

Sarah W. Bailiff, Esq.

Dated this 28th day of March, 2005.

SURFACE TRANSPORTATION BOARD FINANCE DOCKET NO. 34667

RAIL CARRIER:

BNSF Railway Company

AGENCY:

Surface Transportation Board

ACTION:

Notice of Filing of a Railroad Application to Acquire and Operate Certain

Rail Lines in South Dakota and Iowa

SUMMARY: BNSF Railway Company ("BNSF") has filed an application with the Surface Transportation Board seeking authority to acquire and operate certain railroad lines owned by the State of South Dakota ("State") as described in a July 10, 1986 Operating Agreement between BNSF's predecessor and the State. These lines include principally the lines from Milepost 777.0 near Aberdeen, South Dakota to Milepost 650.6 near Mitchell, South Dakota; from Milepost 518.9 near Sioux City, Iowa to Milepost 649.7 near Mitchell, South Dakota; from Milepost 293.1 near Canton, South Dakota to Milepost 650.6 near Mitchell, South Dakota; from Milepost 74.1 to Milepost 68.8 in Sioux Falls, South Dakota; from Milepost 68.8 near Sioux Falls, South Dakota to Milepost 49.4 near Canton, South Dakota; and from Milepost 511.9 to Milepost 518.9 in Sioux City, Iowa.

Any interested person may file written comments and evidence on the application with the Surface Transportation Board. Written comments and evidence are due on March 11, 2005, and comments should indicate the proceeding, STB Finance Docket No. 34667, and should be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423-0001. The original and ten copies of all comments and evidence shall be filed with the Board. A copy of each comment and evidence shall also be

served upon BNSF's representatives: Adrian L. Steel, Jr., Esq., Mayer, Brown, Rowe & Maw LLP, 1909 K Street, NW, Washington, DC 20006, (202) 263-3237, FAX number (202) 263-5237; and Sarah W. Bailiff, BNSF Railway Company, 2500 Lou Menk Drive, Fort Worth, TX 76131, (817) 352-2354, FAX number (817) 352-2397.

A copy of the application is available for public inspection at the offices of the Surface Transportation Board and the applicant, BNSF Railway Company, 2500 Lou Menk Drive, Fort Worth, TX 76131.

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA

SS

County of Hanson

I. Terry Janssen

certify that the attached printed Notice was taken

from the Enery Enterprise

printed and published in Emery

County of Hanson and

state of South Dakota. The notice was published in the newspaper on the following two dates:

2-24-05

Cost of Printing \$34.40

(Signature)

Publisher (Tile)

3-24-05 Joanne Ernster (/(Date Signed)

JOANNE ERNLIERT

Exp 8-16-06

the effort.

PUBLIC NOTICES

SURFACE TRANSPORTA-TION BOARD FINANCE DOCKET NO. 34667

RAIL CARRIER:
BNSF Railway Company
AGENCY: Surface Transportation
Board ACTION: Notice of Filing of a Railroad Application to Acquire and Operate
Certain Rail Lines in South Dakota and Iowa

SUMMARY: BNSF Railway Company ('BNSF') has filed an application with the Surface Transportation Board seeking authority to acquire and operate certain railroad lines owned by the State of South Dakota ("State") as described in a July 10, 1986 Operating Agreement between BNSF's predecessor and the State. These lines include principally the lines from Milepost 777.0 near Aberdeen, South Dakota to Milepost 650.6 near Mitchell, South Dakota; from Milepost 518.9 near Sioux City, Iowa to Milepost 649 7 near Mitchell. South Dakota; from Milepost 293.1 near Canton, South Dakota to Milepost 650 6 near Mitchell. South Dakota; from Milepost 74,1 to Milepost 68 8 in Sloux Falls, South Dakota; from Milepost 88.8

near Sioux Falls, South Dakota to Milepost 49.4 near Canton, South Dakota; and from Milepost 511.9 to Milepost 518.9 in Sloux City, Iowa.

Any interested person may file written comments and evidence on the application with the Surface Transportation Board. Written comments and evidence are due on March 11, 2005, and comments should indicate the proceeding, STB Finance Docket No. 34887, and should be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423-0001 The original and ten copies of all comments and evidence shall be filed with the Board. A copy of each comment and evidence shall also be served upon BNSF's representatives: Adrian L. Steel, Jr., Esq., Mayer, Brown, Rowe & Maw LLP, 1909 K Street, NW, Wash-ington, DC 20008, (202) 263-3237, FAX number (202) 263-5237; and Sarah W. Baijiff, BNSF Railway Company, 2500 Lou Menk Drive, Fort Worth, TX 76131, (817) 352-2354, FAX number (817) 352-2397.

A copy of the application is available for public inspection at the offices of the Surface Transportation Board and the applicant, BNSF Railway Company, 2500 Lou Menk Drive, Fort Worth, TX 76131.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA SS Country of Hanson

certify that the attached printed Notice was taken

from the Alexandria Herald

printed and published in Alexandria

County of Hanzon:

state of South Dakota. The notice was published

in the newspaper on the following two dates:

2-24-05 **Cost of Printing**

JOANNE ERNSTER Exp 8-16-06

. JUN WHI DE DELLER Off for the effort.

SURFACE TRANSPORTA-TION BOARD **FINANCE** DOCKET NO. 34667

RAIL CARRIER:

. Railway Company AGENCY: Surface Transportation Board ACTION.

tice of Filing of a Railroad Application to Acquire and Operate Certain Rail Lines in South Da-

kota and lowa

SUMMARY: BNSF Railway Company ("BNSF") has filed an application with the Surface Transportation Board seeking authority to acquire and operate certain railroad lines owned by the State of South Dakota ("State") as described in a July 10, 1986 Operating Agreement between BNSF's predecessor and the State. These lines include principally the lines from Milepost 777.0 near Aberdeen, South Dakota to Milepost 650 6 near Mitchell, South Dakota; from Milepost 518.9 near Sioux City, Iowa to Milepost 649 7 near Mitchell, South Dakota; from Milepost 293.1 near Canton, South Dakota to Milepost 650 8 near Mitchell, South Dakota; from Milepost 74.1 to Milepost 68 8 in Sloux Falls. South Dakota; from Milepost 68.8

near Sioux Falls, South Dakola to Milepost 49.4 near Canton, South Dakota; and from Milepost 511.9 to Milepost 518.9 in Sioux City.

Any interested person may file written comments and evidence on the application with the Surface Transportation Board. Written comments and evidence are due on March 11, 2005, and comments should indicate the proceeding, STB Finance Docket No. 34667, and should be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W.; Washington, DC 20423-0001. The original and ten copies of all comments and evidence shall be filed with the Board. A copy of each comment and evidence shall also be served upon BNSF's representatives: Adrian L. Steel, Jr. Esq., Mayer, Brown, Rowe & Maw LLP, 1809 K Street, NW, Washington, DC 20008. (202) 263-3237. FAX number (202) 263-5237, and Sarah W. Bailiff, BNSF Railway Company, 2500 Lou Menk Drive, Fort Worth, TX 76131, (817) 352-2354, FAX number (817) 352-2397.

A copy of the application is available for public inspection at the offices of the Surface Transportation Board and the applicant, BNSF Railway Company, 2500 Lou Menk Drive, Fort Worth, TX 76131.

STATE OF SOUTH DAKOTA COUNTY OF HUTCHINSON

FEBRUARY 23, 2005

SCOTT E. EHLER, BEING DULY SHORN. SAYS: THAT THE TRIPP STAR LEDGER IS, AND DURING ALL THE TIME HERE-INAFTER MENTIONED WAS, A WEEKLY LEGAL NEWSPAPER AS DEFINED IN SDCL 17-2-2, AS AMENDED, PUBLISHED AT PARKSTON, HUTCHINSON COUNTY. SOUTH DAKOTA BY THE PARKSTON ADVANCE, INC.; THAT AFFIANT IS AND DURING ALL OF SAID TIMES WAS, AN EMPLOYEE OF THE PUBLISHER OF SUCH NEWSPAPER AND HAS PERSONAL KNOWLEDGE OF THE FACTS STATED IN THIS AFFIDAVIT; THAT THE NOTICE, ORDER OR ADVERTISEMENT, A PRINTED COPY OF WHICH IS ATTACHED, WAS PUBLISHED IN SAID NEWSPAPER FOR 1 SUCCESSIVE ISSUES, BEARING THE FOLLOWING DATES:

THAT THE FULL AMOUNT OF THE FEE CHARGED FOR PUBLISHING THE SAME, TO-WIT, THE SUM OF \$23.76, INURES SOLELY TO THE BENEFIT OF THE PUBLISHER OF SAID NEWSPAPER: THAT NO AGREEMENT OR UNDERSTAND-ING FOR THE DIVISION OF THE FEE HAS BEEN MADE WITH ANY PERSON, AND THAT NO PART OF THE FEE HAS BEEN AGREED TO BE PAID TO ANY OTHER PERSON.

SUBSCRIBED AND SWORN TO BEFORE ME THIS 23RD DAY OF FEBRUARY A.D., 2005

NOTARY PUBLIC, COUNTY OF HUTCHINSON, SOUTH DAKOTA

SEAL

KIM EHLER Notary Public South Dakota

MY COMMISSION EXPIRES **JANUARY 12, 2010**

SURFACE TRANSPORTATION **BOARD**

FINANCE DOCKET NO. 34667 RAIL CARRIER: BNSF Railway

AGENCY: Surface Transportation Board

ACTION: Notice of Filing of a Railroad Application to Acquire and Operate Certain Rail Lines in South Dakota and Iowa

SUMMARY: BNSF Railway Company ("BNSF") has filed an application with the Surface Transportation tion with the Surface Transportation Board seeking authority to acquire and operate certain railroad lines owned by the State of South Dakota ("State") as described in a July 10, 1986 Operating Agreement between BNSF's predecessor and the State. These lines include principally the lines from Milepost 777.0 near Aber-These lines include principally inclines from Milepost 777.0 near Aberdeen, South Dakota to Milepost 650.6 near Mitchell, South Dakota; from Milepost 518.9 near Sioux City, Iowa near Mitchell, South Dakota; from Milepost 518.9 near Sioux City, Iowa to Milepost 649.7 near Mitchell, South Dakota; from Milepost 293.1 near Can-ton, South Dakota to Milepost 650.6 near Mitchell, South Dakota; from Milepost 74.1 to Milepost 68.8 in Sioux Falls South Dakota; from Milepost Falls, South Dakota; from Milepost 68.8 near Sioux Falls, South Dakota to Milepost 49.4 near Canton, South Dakota; and from Milepost, 511.9 to Milepost 518.9 in Sioux City, Iowa.

Anv interested person may file writ-

Any interested person may file written comments and evidence on the application with the Surface Transportation Board. Written comments and evidence are due on March 11, 2005, and comments should indicate the proceeding, STB Finance Docket No. 34667, and should be filed with the Surface Transportation Board, Office of the Secretary, Case Centrol Unit, 1925 K Street, N.W., Washington, DC 20423-0001. The original and ten

of each comment and evidence shall also be served upon BNSF's repre-sentatives: Adrian L. Steel, Jr., Esq., Mayer, Brown, Rowe & Maw LLP, 1909 K Street, NW, Washington, DC 20006, (202) 263-3237, FAX number (202) 263-5237; and Sarah W. Bailiff, BNSF Rail-way Company, 2500 Lou Menk Drive, Fort Worth, TX 76131, (817) 352-2354, FAX number (817) 352-2397. A copy of the application is avail-

A copy of the application is available for public inspection at the offices of the Surface Transportation Board and the applicant, BNSF Rail way Company, 2500 Lou Menk Drive, Fort Worth, TX 76131.

Dated: February 18, 2005

A PARTY OF THE SECOND

8Ac SNAXLP

STATE OF SOUTH DAKOTA

COUN 'OF TURNER

depos ; and says:

of the City of Marion,

Affidavit of Publication

Count of Turner, State of South Dakota, being first duly sworn on oath,

) \$8.

Inderson

The Marion Recincula ion, printed and Court by The Marion such a egal newspaper has bee than one year prior to the has claim of said times upon hers; that the unpublisher of said newspand here and has personal	Record, Matt Anderso during the times here n in existence as suce publication of the note had, and now has, idersigned, the affiant paper. In charge of	y of Marion, in said on publisher, and ha einafter mentioned; the legal newspaper footice hereunto attachmore than 200 bort; is the	Turner Is been Ithat the or more ed, and na fide
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Ixa Sportation	Board Finance	Docket	
a print 1 copy of which is			
the ಣ II newspaper for_ and or the same day of ti	successive successive he week, on the following the second contract of the second contr	e weeks, once eacting dates, to-wit:	ı week
On TI, rsday, the 3	day of Ma	rch	2005;
On 11 rsday, the	day of		2005;
On TI Hrsday, the	day of		2005;
On TI Hrsday, the	day of		2005;
On Thursday, the	day of		2005;
On Tillirsday, the	day of		2005.
	wspaper, that no arra been made with any of to be paid to any other Mathematical and sworn to	to before me this	anding no part
S W HONGE	ay of <u>March</u> Omna Notary Publi	M. Oudl ic, South Dakota.	

SURFACE TRANSPORTATION BOARD FINANCE DOCKET NO. 34667

Company AGENCY: Surface Transportation ACCION: Notice of Filing of a Railroad Application to Acquire and Operate Certain Rail Lines in South Dakota Certain Rad Lines in South Dakota and lowa SUMMARY: BNSF Rallway Company (BNSF) has filed an application with the Surface Transportation Board seeking authority to acquire and operate certain railroad lines owned by the State of South Dakota (State) as described in a July 10, 1986 Operating Agreement, between BNSFs predecessor and the State. These lines include principally the lines from Milepost 77710 agast Aberdeen. South Dakota from Milepost 518.9 near Stote City. Fowa 10 Milepost 649.7 near Mitchell, South Dakota; from Milepost 550.6 near Mitchell, South Dakota; from Milepost 550.6 near Mitchell, South Dakota; from Milepost 550.6 near Mitchell, South Dakota; from Milepost 649.7 near Mitchell, South Dakota; from Milepost 649.7 south Dakota; from Milepost 68.8 in South Dakota; from Milepost 68.8 near Sloux Falls. South Dakota; from Milepost 69.4 near Canton. South Dakota and from Milepost 511.9 to Milepost 518.9 its Slotx City. lowa. and low

South Dakota and from Milepost 511.9 to Milepost 518.9 to Slotax City. lowa.

Any interested person may file written comments and evidence on the application with the Surface Transportation Board. Written comments and evidence are due on March 11. 2005.; and comments should indicate the proceeding. STB Finance Docket No. 34687. and should be filed with the Surface Transportation Board. Office of the Secretary. Case Control Unit. 1925 K Street. N.W. Washington. DC 20423-30001. The original and ten copies of Sil comments and evidence shall be filed with the Board. A copy of each comment and evidence shall also be served upon BNSF a representatives: Adrian L. Steel Jr., Esc. Mayer. Brown Rowers Maw LLT. 1909 K Street. NW. Washington, DC 20006. (2002) 263-3237. FAX mumber (202) 263-3237 and Sarah W. Bailin. BNSF Waynay Company 2550 Lou Ment. Drive. Fort Worth. Ta. 78 [31] [817] 352-2397.

352-2397: A copy of the application is available for public imperition at the offices of the Surface Transportation Board and the applicant. BNSF Railway Company, 2500 Lou Menk Dilyer Port Worth AD, 76134.

Dated, February 15, 2005/3-37-lic

AFFIDAVIT OF PUBLICATION THE OBSERVER

Yankton County Auditor

PU Box 137

Yankton, SD 57078

STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

DAVID BAUMEISTER BEING FIRST DULY SWORN ON OATH DEPOSES AND SPUBLISHER OF THE OBSERVER A CORPORATION THE PRINTERS AND STATES.

DAVID BAUMEISTER BEING FIRST DULY SWORN ON OATH DEPOSES AND SAYS THAT HE IS THE PUBLISHER OF THE OBSERVER, A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE OBSERVER, A LEGAL WEEKLY NEWSPAPER PRINTED AND PUBLISHED IN THE CITY OF YANKTON, SAID COUNTY AND STATE, AND ONE OF THE OFFICIAL NEWSPAPERS OF THE SAID COUNTY OF FACTS STATED IN THIS AFFIDAVIT; THAT THE ANNEXED

Yankton County

TAKEN FROM THE PAPER IN WHICH IT WAS PUBLISHED IN THE NEWSPAPER ON THE \mathcal{L} DAY OF \mathcal{M} . THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE
PHIPH ICATION OF SAID (D / A. / . 7//// 7
PUBLICATION OF SAID Docket 1/0 34667 TO WIT 1882 ENSURES
TO THE BENEFITS OF THE PUBLISHER OF SAID NEWSPAPER AND THAT NO AGREEMENT AND
UNDERSTANDING FOR THE DIVISION THEREOF HAS BEEN MADE WITH ANY OTHER PERSON, AND
THAT NO PART THEREOF HAS BEEN AGREED TO BE PAID TO ANY PERSON WHOMSOEVER.
DUDI MANDE ON
PUBLISHED ON:
SECOND RUN:
THIRD RUN:
FOURTH RUN:
FILED ON: PUBLISHER
SUBSCRIBED AND SWORN TO BEFORE ME THISDAY OF
TOTAL DAY DAY DAY
OTARY PUBLIC, SOUTH DAKOTA MY COMMISSION EXPIRES

AFFIDAVIT OF PUBLICATION THE OBSERVER

Yankton County Auditor PO Box 137 Yankton, SD 57078 BNSF Railway Co 2500 Lou Men/ Dr. Ft. Worth, Fexas 76/31-2828

STATE OF SOUTH DAKOTA COUNTY OF YANKTON

DAVID BAUMEISTER BEING FIRST DULY SWORN ON OATH DEPOSES AND SAYS TI ACTION: Notice of Filing of a Railroad PUBLISHER OF THE OBSERVER, A CORPORATION, THE PRINTER AND THE PUBLISI Application to Acquire and Operate Cerus Rail Lines in South Dakota and Ioya SAID COUNTY AND STATE, AND ONE OF THE OFFICIAL NEWSPAPERS OF THE SAII FACTS STATED IN THIS AFFIDAVIT; THAT THE ANNEXED

Yankton County

H4, 2005 3/4/08 LIBL

SURFACE TRANSPORTA TION BOARD FINANCE DOCKET NO. 34667

Public Notice Ad

RAIL CARRIER: BNSF Railway Company.

AGENCY: Surface Transportation Board.

ACTION: Notice of Filing of a Railroad Application to Acquire and Operate Cer-SUMMARY: BNSF Railway Company ("BNSF") has filed an application with the Surface Transportation Board seeking authority to acquire and operate certain railroad lines owned by the State of South Dakota ("State") as described in a July 10, 1986 Operating Agreement between BNSF's predecessor and the State. These lines include principally the lines from Milepost 777.0 near Aberdeen, South Dakota to Milepost 650.6 near Mitchell, South Dakota; from Milepost FO 518.9 near Sioux City, Iowa to Milepost 649.7 near Mitchell, South Dakota; from Milepost 293.1 near Canton, South Dakota to Milepost 650.6 near Mitchell, GRI South Dakota; from Milepost 74.1 to Milepost 68.8 in Sioux Falls, South Dakota; from Milepost 68.8 near Sioux OTI Falls, South Dakota to Milepost 49.4 near Canton, South Dakota; and from Mile-HO post 511.9 to Milepost 518.9 in Sioux City, Iowa.

Any interested person may file written comments and evidence on the application with the Surface Transportation Board. Written comments and evidence are due on March 11, 2005, and comments should indicate the proceeding, STB Finance Docket No. 34667, and should be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW, Washington, DC 20423-0001. The original and ten copies of all comments and evidence shall be filed with the Board. A copy of each comment and evidence shall also be served upon BNSF's representatives: Adrian L. Steel, Jr., Esq., Mayer, Brown, Rowe & Maw LLP, 1909 K Street, NW, Washington, DC 20006, (202) 263-3237, FAX number (202) 263-5237; and Sarah W. Bailiff, BNSF Railway Company, 2500 Lou Menk Drive, Fort Worth, TX 76131, (817) 352-2354, FAX number (817) 352-2397.

A copy of the application is available for public inspection at the offices of the Surface Transportation Board and the applicant, BNSF Railway Company, 2500 Lou Menk Drive, Fort Worth, TX 76131.

SURFACE TRANSPORTATION BOARD FINANCE DOCKET NO. 34667

RAIL CARRIER: BNSF Railway Company AGENCY: Surface Transportation Board ACTION: Notice of Filing of a Railroad Application to Acquire and Operate Certain Rail Lines in South Dakota and Iowa

SUMMARY: BNSF Railway Company ("BNSF") has filed an application with the Surface Transportation Board seeking authority to acquire and operate certain railroad lines owned by the State of South Dakota ("State") as described in a July 19, 1986 Operating Agreement between BNSF's prodecessor and the State. These lines include principally the lines from Milepost 777.0 near Aberdeen, South Dakota; from Milepost 550.6 near Mitchell, South Dakota; from Milepost 293.1 near Canton, South Dakota; from Milepost 293.1 near Mitchell, South Dakota; from Milepost 350.6 near Mitchell, South Dakota; from Milepost 50.6 near Mitchell, South Dakota; from Milepost 50.6 sear Mitchell, South Dakota; from Milepost 58.8 in Sigux Falls, South Dakota; from Milepost 58.8 near Sigux Falls, South Dakota to Milepost 49.4 near Canton, South Dakota; and from Milepost 511.9 to Milepost 518.9 in Sigux City, Iowa.

Any interested person may file written comments and evidence on the application with the Surface Transportation Board. Written comments and evidence are due on March 11, 2005, and comments should indicate the proceeding, STB Finance Docket No. 34667, and should be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W. Washington, DC 20423-0001. The original and ten copies of all comments and evidence shall be filed with the Board. A copy of each comment and evidence shall also be served upon BNSF's representatives: Adrian L. Steel, Jr., Esq., Mayer, Brown, Rowe & Maw LLP, 1909 K Street, N.W. Washington, DC 20006, (202) 263-3237, FAX number (202) 263-5237, and Sarah W. Bailiff, BNSF Railway Company, 2500 Lou Menk Drive, Fort Worth, TX 76131, (817) 352-2354, FAX number (817) 352-2397.

A copy of the application is available for public inspection at the offices of the Surface Transportation Board and the applicant, BNSF Railway Company, 2500 Lou Menk Drive, Fort Worth, TX 76131.

Dated: February 18, 2005

Published: February 23, 2005

Two Rivers Times

North Sioux City, SD 57049

PROOF OF PUBLICATION

State of South Dakota, County of Union, ss.

Daryl Thul

being duly sworn, deposes and says that he is the

Publisher

of the Two Rivers Times, a legal newspaper published in North Sioux City, Union County and that the attached legal notice was published therein on:

2/23/5

and further says he has knowledge of the publication of this notice(s).

PUBLICATION FEE: #1/.52

signed

Substribed and sworn to me this

My commission expires

1-1-2005

State of South Dakota, County of Clay, ss.

Penny Tucker	
Being first duly sworn, deposes and says: That he/she is a resident of the County of Clay and State of South Dakota; that	SURFACE TRANSPORTATION BOARD FINANCE DOCKET NO. 34667 RAIL CARRIER: BNSF Railway
THE PLAIN TALK	Company AGENCY: Surface Transportation
is a legal newspaper of general circulation, printed and published in Vermillion, in said County and State, by Broadcaster Press, Inc., and is now and has been such newspaper continuously during all the times hereinafter mentioned; that affiant is and was during all the time hereinafter mentioned in charge of the advertising department thereof, and has personal knowledge of all the facts stated in this affidavit: and that the notice and advertisement headed:	Board ACTION: Notice of Filing of a Rail- road Application to Acquire and Operate Certain Rail Lines in South Dakota and Iowa SUMMARY: BNSF Railway Company ("BNSF") has filed an application with the Surface Trans- portation Board seeking authority to acquire and operate certain real-
SURFACE TRANSPORTATION BOARD	road lines owned by the State of
FINANCE DOCKET NO. 34667	South Dakota ("State") as described in a July 10, 1986 Operating Agree- ment between BNSF's predecessor and the State. These times include
	principally the lines from Milepost 777.0 near Aberdoen, South Dako- ta to Milepost 650.6 near Mitchell.
a printed copy of which is hereunto attached and made a part hereof, was printed and published in the said newspaper at least once in each week	South Dakota; from Milepost 518.9 near Sioux City, Iowa to Milepost 649.7 near Mitchell, South Dakota; from Milepost 293.1 near Canton,
for 1 successive weeks; that said newspaper at the time of the first publication of said notice hereinafter stated, had, and still has, a bona fide circulation of over two-hundred paid copies weekly, and had been published in the said county of Clay for more than one year immediately prior to the date of the said publication of said notice, and that said newspaper during said times, was, and is, printed in part in an office maintained at said city of Vermillion, the said place of publication; that the first publication of said notice in said newspaper as aforesaid	South Dakots to Milepost 65.0.6 near Mitchell, South Dakots; from Milepost 74.1 to Milepost 68.8 in Sioux Falls, South Dakots; from Milepost 68.8 near Sioux Falls, South Dakots to Milepost 49.4 near Canton, South Dakots; and from Milepost 511.9 to Milepost 518.9 in Sioux City, Iowa. Any interested person may file written comments and evidence on the emplication with the Surface
was on Friday, the $\underline{\hspace{1.5cm}}$ 4th $\underline{\hspace{1.5cm}}$ day of $\underline{\hspace{1.5cm}}$ March $\underline{\hspace{1.5cm}}$ 20 $\underline{\hspace{1.5cm}}$ 05 $\underline{\hspace{1.5cm}}$, and that the succeeding publications were severally	Transportation with the comments and selected and comments and selected and comments should indicate the proceeding STB
on Friday, the day of , 20 ,	should indicate the proceeding STB Firstness Deckst No. of 4007, and should be discounted the burrace
on Friday, the day of , 20 ,	Transplactation Board, Office of the
on Friday, the day of , 20 ,	Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423-0001, The original and ten
on Friday, the day of , 20 ,	copies of all comments and evidence shall be filed with the Board. A copy
that the fees charged for the printing and publication of the said notice and advertisement in said newspaper as aforesaid were	of each comment and evidence shall also be served upon BNSF's repre- sentatives: Adrian L. Steel, Jr., Esq.,
Twenty-one dollars and 84 cents	Mayer, Brown, Rowe & Maw LLP, 1909 K Street, NW, Washington, DC
and that said fees for the printing and publishing of said notice and advertisement have been fully paid; that the full amount of the fee charged for the publishing of the said attached annexed notice and advertisement inures to the benefit of the publisher of the said newspaper, that no agreement or understanding for the division thereof has been made with any other person and that no part thereof has been agreed to be paid to any other person whomsoever.	20006, (202) 263-3237, FAX number (202) 263-5237; and Sarah W. Bailiff, BNSF Railway Company, 2500 Lou Menk Drive, Fort Worth, TX 76131, (817) 352-2354, FAX number (817) 352-2397. A copy of the application is available for public inspection at the offices of the Surface Transportation Board and the applicant, BNSF Railway Company, 2500 Lou Menk
	Drive, Fort Worth, TX 76131. Dated: February 18, 2005 Publish: March 4, 2005
Subscribed and sworn to before me	
this 4th day of Marie, 2005	
Joan & Wiecock Notary Public	
My Commission Expires April 17, 2005	12

MAR 1 0 2005

FORT WORTH

SURFACE	AFFIDAVIT OF PUBLICATION
TRANSPORTATION BOARD	
FINANCE DOCKET	
NO. 34667 RAIL CARRIER: BNSF	STATE OF SOUTH DAKOTA)
Railway Company	
AGENCY: Surface Transportation Board) SS
ACTION: Notice of Filing	COUNTY OF DAVISON
of a Railroad Application to	and 📗
Acquire and Operate Certain Rail Lines in South	1
Dakota and Iowa	Noel Hamiel of said county, being, first duly sworn, on oath, says; that he is the
SUMMARY: BNSF	publisher of The Deily Depublic a deily sworit, on ball, says, that he is the
Railway Company ("BNSF") has filed an	publisher of The Daily Republic, a daily newspaper, published in the City of
application with the	Mitchell, in said County of Davison, and State of South Dakota; that he has ful
Surface fransportation	and personal knowledge of the facts herein stated; that said newspaper is a legal
Board seeking authority to acquire and operate certain railroad lines owned by the State of	newspaper as defined in SDCL 17-2-2.1 through 17-2-2.4 inclusive; that said
certain railroad lines	newspaper has been published within the said County of Davison and State of
owned by the State of South Dakota ("State") as	South Dakota, for at least one year next prior to the first publication of the
	attached public notice and that the set profit to the first phonication of the
1986 Operating Agreement between BNSF's	attached public notice, and that the notice, order or advertisement, a printed
Dredecessor and the	copy of which, taken from the paper in which the same was published, and
State. These lines include	which is hereto attached and made a part of this affidavit, was published in said
principally the lines from Milepost 777,0 near	newspaper for 1 issues(s), to wit:
Aberdeen, South Dakota	
to Milepost 650,6 near Mitchell, South Dakota;	
from Milepost 518.9 near	March 9 2005
Sioux City, Iowa to	
Mirchell, South Dakota; from Milepost 518.9 near Sioux City, lowa to Milepost 649.7 opear Mitchell, South Dakota; from Milepost 29.3 sees	1
Canton, South Dakota to	U
Milepost: 650.6 near Mitchell, South Dakota;	
Falls South Dekote: from	
Milepost 68.8 near Sioux Falls, South Dekote to	
Halls, South Dakota to	.
Milepost 49.4 near Canton, South Dakota; and from Milepost 511.9 to	That the full amount of the for showed for the unit.
and from Milepost 511.9 to	That the full amount of the fee charged for the publication of the attached public
Milepost 518.9 in Sloux City, lowa.	notice insures to the sole benefit of the publisher or publishers; that no
Any interested person may file written comments	agreement or understanding for the division thereof has been made with any
and evidence on the	other person, and that no part thereof has been agreed to be paid to any person
application with the	whomsoever, that the fees charged for the publication thereof are: \$ 52.06
Surface Transportation Board Written comments	7 32:00
and evidence are due on	
March 11, 2005, and comments should indicate	
the proceeding STR	Signed: (MeH)
Finance Docket No. 34667, and should be filed	Signed. 1999
with the Surface	1
Transportation Board	
Office of the Secretary, Case Control Unit, 1925 K	9 March 2005
Street, N.W., Washington, DC 20423-0001. The	Subscribed and sworn to before me this day of
original and ten copies of	,
all comments and	
evidence shall be filed with the Board. A copy of each	Hitting Start and
comment and evidence	of way of finan
Shall also be served upon	
BNSF's representatives: Adrian L. Steel, Jr., Esq.,	Notary Public //
Mayer, Brown, Rowe & Maw LLP, 1909 K Street,	County of Naricari
NW. Washington DC	
NW, Washington, DC 20006, (202) 263-3237,	My Commission Expires: 10.8 3009
20006, (202) 263-3237, FAX number (202) 263- 5237; and Sarah W. Bailiff,	The state of the s
BNSF Railway Company, 2500 Lou Menk Drive, Fort	Prepared by The Daily Republic P.O. Bour 1988 1614 119 D. 57201
2500 Lou Menk Drive, Fort	Prepared by: The Daily Republic, P.O. Box 1288, Mitchell S.D. 57301 605-996-5515
352-2354. FAX mumber	II
Worth, TX 76131, (817) 352-2354, FAX number (817) 352-2397.	ii
is available for public inspection at the offices of	II .
the Surface Transportation Board and the applicant,	
BNSF Railway Company	
BNSF Railway Company, 2500 Lou Menk Drive, Fort	
Dated: February 18	
2005	13
	1.3

Length of line: 12 pica Size of type: 8 pt. Number of lines: _ Line rate: .

> AFFIDAVIT OF PUBLICATION The Wolsey News

STATE OF SOUTH DAKOTA) County of Beadle

Gary L. McFarlane of said county being first duly sworn, on oath, says that he is the publisher of The Wolsey News, a weekly newspaper printed and published in Wessington, SD said County of Beadle by Miller Publishing Co., Inc. and has full and personal knowledge of all the facts herein stated; that said newspaper is a legal newspaper and has a bonafide circulation of at least two hundred copies weekly, and has been published within said County for fifty successive weeks next prior to the publication of the notice, herein mentioned, and was and is printed wholly or in part ip an office maintained at said place of publication; that the

a printed copy of which, taken from the paper in which the same was published, is attached to this sheet, and is made a part of this Affidavit, was published in said newspaper at least once each week for 1 sive week(s), on the day of each week on which said newspaper was regularly published, to wit:

3.9	_26 <u>25</u>	;	_20
	20	;	_20
	20	:	20

that the full amount of the fees for the publication of the annexed notice is

Gary McFarlane, Publisher

Subscribed and sworn to before me

Paula L. McFarlane, Notary Public My Commission expires: 10-11-10

Notice from BNSF

SURFACE TRANSPORTATION BOARD FINANCE DOCKET NO. 34667 RAIL CARRIER: BNSF RAILWAY COMPANY AGENCY: SURFACE TRANSPORTATION BOARD ACTION: NOTICE OF FILING OF A RAILROAD APPLICATION TO ACQUIRE AND OPERATE CERTAIN HAIL LINES IN SOUTH DAKOTA AND IOWA

SUMMARY: BNSF Railway Com pany ("BNSF") has filed an application with the Surface Transportation Board soeking authority to acquire and operate certain railroad lines owned by the State of South Dakota ("State") as described in a July 10, 1986 Operating Agreement between BNSF's predecessor and the State. These lines include principally the lines from Milepost 777.0 near Aberdeen, South Dakota to Milepost 650.6 near Mitchell, South Dakota; from Milepost 518.9 near Sigux City, lowa to Milepost 649.7 near Mitchell, South Dakota; from Milepost 293.1 near Canton, South Dakota post 293.1 near Canton, South Dakota to Milepost 650.6 near Milchell, South Dakota; from Milepost 74.1 to Milepost 65.8 in Sioux Falls, South Dakota; from Milepost 68.8 near Sioux Falls, South

66.8 In Sloux Falls. South Dakota; from Millepost 68.8 near Sioux Falls, South Dakota to Millepost 49.4 near Canton, South Dakota to Millepost 49.4 near Canton, South Dakota; and from Millepost 511.9 to Millepost 518.9 In Sloux City, Iowa. Any interested person may file written comments and evidence on the application with the Surface Transportation Board. Written comments and evidence are due on March 11, 2005, and comments should Indicate the proceeding, STB Finance Docket tho. 34567, and shr-uld be filled with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, Nw. Washimgton, DC 20423-0001. The original and ten copies of all comments and evidence shall be filled with the Board. A copy of each comment and evidence shall iso the served upon BNSF's representatives: Adrian L. Steel, Jr., Esq., Mayer, Brown, Rowe & Maw LLP, 1909 K Street, Nw, Washimgton, DC 20006, (202) 263-3237, FAX number (202) 263-5237; and Sarah W. Balliff, BNSF Railway Company, 2500 Cou Menk Drive, Fort Worth, TX 76131, 817) 352-2397. A copy of the application at the offices

352-2397.

A copy of the application is available for public inspection at the offices of the Surface Transportation Board and the applicant, BNSF Railway Company, 2500 Lou Menk Drive, Fort Worth, TX 76131.

Dated: February 18, 2005







FAX TRANSMITTAL FORM from

16 East 7th Avenue Redfield, SD 57469 Cindy Lambert 605-472-0822

FAX: 605-472-3634 News Items, Classifieds, Advertisements and Job Printing

DATE 3705	Notice of
TO: John Sims	Ratiroad Application
FROM:ant	#51 SURFACE TRANSPORTATION BOARD
TOTAL PAGES - INCLUDII	FINANCE DOCKET NO. 34667 RAIL CARRIER: BNSF Railway Company AGENCY: Surface Transportation Board Transportation Board: Written born-
REMARKS:	Application to Acquire and Operate Certain Rail Lines in South Dakota and lows. Summary: BNSF Railway Company ("BNSF") has filed an application with the Surface Transportation Board,
	seeking authority to acquire and operior ate certain reliroad lines owned by the
	Agreement between BNSF's predeces each comment and evidence shall also each each comment and evidence shall also each each each each each each each each
	sor and the State. These the Midepost principally the lines from Milepost 777.0 near Aberdeen, South Dakota I Brown, Rowe & Maw LLP, 1909 k Milepost 650.6 near Mitchell, South Dakota (1909) Method of the Milepost 650.6 near Mitchell, South Dakota (1909) Method of the Milepost 650.8 near (202) 263-3237, FAX number (202)
	Sloux City, Iowa to Milepost 649.7 nest Milchell, South Dakots; from Milepost had been been been been been been been bee
	Milepost 650.6 near Mitchell, South Dekota; from Milepost 74.1 to Milepost 620.2354, FAX number (81./) 392-2394, FAX number (81./) 392-2395, F
	Milepost 68.8 near Sioux Falls, Sout 1 Dakota to Milepost 49.4 near Canter . South Dakota de Milepost 49.4 near Canter . South Dakota de Milepost 49.4 near Canter . and the applicant BNSF Railway
	Company, 2500 Lou Menk Drive, Fort. Any interested person may file with the comments and evidence on the Detect Fortwary 18, 2005
	application with the Surfaces (March 2)

Length of line: 12 pica Size of type: 8 pt. Number of lines: _____ Line rate: ____

> AFFIDAVIT OF PUBLICATION The Miller Press

STATE OF SOUTH DAKOTA)

(Sounty of Hand)

Gary L. McFarlane of said county being first duly sworn, on oath, says that he is the publisher of The Miller Press, a weekly newspaper printed and published in Miller, said County of Hand by Miller Publishing Co., Inc. and has full and personal knowledge of all the facts herein stated; that said newspaper is a legal newspaper and has a bonafide circulation of at least two hundred copies weekly, and has been published within said County for fifty-two successive weeks next prior to the publication of the notice, herein mentioned, and was and is printed wholly or in part in an office maintained at said place of publication; that the

BNSF

a printed copy of which, taken from the paper in which the same was published, is attached to this sheet, and is made a part of this Affidavit, was published in said newspaper at least once each week for ________ successive week(s), on the day of each week on which said newspaper was regularly published, to wit:

2-23 x05; _____20___ ____20___; ___20___ ____20___; ____20

that the full amount of the fees for the publication of the annexed notice is

\$ 22.75 Cary Mc Farlane, Publisher

Subscribed and sworn to before me

Paula L. McFarlane, Notary Public
My Commission expires: 10-11-10

Notice from BNSF

SURFACE TRANSPORTATION BOARD FINANCE DOCKET NO. 34667 RAIL CARRIER: BNSF RAILWAY COMPANY AGENCY: SURFACE TRANSPORTATION BOARD ACTION: NOTICE OF FILING OF A RAILROAD APPLICATION TO ACQUIRE AND OPERATE CERTAIN RAIL LINES IN SOUTH DAKOTA AND IOWA

SUMMARY: BNSF Railway Com pany ("BNSF") has filed an application with the Surface Transportation Board seeking authority to acquire and operate certain railroad lines owned by the State of South Dakota ("State") as described in a July 10, 1986 Operating Agreement between BNSF's predecessor and the State. These lines include principally the lines from Milepost 777.0 near Aberdeen, South Dakota to Milepost 650.6 near Mitchell, South Dakota; from Milepost 518.9 near Sioux City, Iowa to Milepost 649.7 near Mitchell, South Dakota; from Milepost 293.1 near Canton, South Dakota to Milepost 650.6 near Mitchell, South Dakota; from Milepost 74.1 to Milepost 68.8 in Sioux Falls, South Dakota; from Milepost 68.8 near Sioux Falls, South Dakota to Milepost 49.4 near Canton, South Dakota; and from Milepost 511.9 to Milepost 518.9 in Sioux City, Iowa.

Any interested person may file written comments and evidence on the application with the Surface Trans-Written comments portation Board. and evidence are due on March 11, 2005, and comments should indicate the proceeding, STB Finance Docket No. 34667, and should be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423-0001. The original and ten copies of all comments and evidence shall be filed with the Board. A copy of each comment and evidence shall also be served upon BNSF's representatives: Adrian L. Steel, Jr., Esq., Mayer, Brown, Rowe & Maw LLP, 1909 K Street, NW, Washington, DC 20006, (202) 263-3237, FAX number (202) 263-5237; and Sarah W. Bailiff, BNSF Railway Company, 2500 Lou Menk Drive, Fort Worth, TX 76131, (817) 352-2354, FAX number (817) 352-2397

A copy of the application is available for public inspection at the offices of the Surface Transportation Board and the applicant, BNSF Railway Company, 2500 Lou Menk Drive, Fort Worth, TX 76131.

Dated: February 18, 2005

1t -

YANKTON DAILY PRESS AND DAKOTAN

BNSF RAILWAY COMPANY 2500 LOU MENK DRIVE FORT WORTH, TX 76131

STATE OF SOUTH DAKOTA COUNTY OF YANKTON

KELLY HERTZ

BEING FIRST DULY SWORN ON OATH DEPOSES

AND SAYS THAT HE IS THE MANAGING EDITOR OF THE YANKTON

PRINTING COMPANY, A CORPORATION, THE PRINTER AND THE

PUBLISHER OF THE YANKTON DAILY PRESS A 4D DAKOTAN, A LEGAL

DAILY NEWSPAPER PRINTED AND PUBLISHED IN THE CITY OF YANKTON,

SAID COUNTY AND STATE, AND DAE OF THE CEPICIAL NEWSPAPERS OF

THE SAID COUNTY OF FACTS STATED IN THIS AFFIDAVIT; THAT THE

ANNEXED FINANCE DOCKET NO. 34667

TAKEN FROM THE PAPER IN WHICH IT WAS PUBLISHED IN THE NEWSPAPER ON THE 24TH DAY OF FEBRUARY, 2005.

THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION OF SAID NOTICE TO WIT \$65.76 ENSURES TO THE BENEFITS OF THE PUBLISHER OF SAID NEWSHAPER AND THAT NO AGREEMENT AND UNDERSTANDING FOR THE DIVISION THEREOF HAS BEEN MADE WITH ANY OTHER PERSON, AND THAT NO PART THEREOF HAS BEEN AGREED TO BE PAID TO ANY PERSON WHOMSOEVER.

PUBLISHED ON:

2/24/05

FILED ON:

2/24/05

2+2

SURFACE TRANSPORTATION BOARD FINANCE DOCKET NO. 34667

RAIL CARRIER: AGENCY: ACTION: BNSF Railway Company Surface Transportation Board

Notice of Filing of a Railroad Application to Acquire and Operate Certain Rail Lines in

South Dakota and Iowa

SUBMEARY: BNSF Railway Company ("BNSF"), has filed an application with the Surface Transportation Board seeking authority to acquire and operate certain railroad lines owned by the State of South Dakota ("State") as described in a July 10, 1986 Operating Agreement between BNSF's prodecessor and the State. These lines include principally the lines from Milepost 777.0 near Aberdeen, South Dakota to Milepost 650.6 near Mitchell, South Dakota; from Milepost 518.9 near Sloux City, Iowa to Milepost 649.7 near Mitchell, South Dakota; from Milepost 650.6 near Mitchell, South Dakota; from Milepost 650.6 near Mitchell, South Dakota; from Milepost 68.8 in Sioux Falls, South Dakota; from Milepost 68.8 near, Sioux Falls, South Dakota; from Milepost 68.8 near, Sioux Falls, South Dakota; and from Milepost 511.9 to Milepost 518.9 in Sioux City, Iowa.

Any interested person may file written comments and evidence on the application with the Surface Transportation Board. Written comments and evidence are due on March 11, 2005, and comments should indicate the proceeding, STB Finance Docket No. 34667, and should be filed with the Surface Transportation Board. Office of the Secretary, Case Courol Unit, 1925 K Street, N.W., Washington, DC 20423-0001: The original and ten copies of all comments and evidence shall be filed with the Board. A copy of each comment and evidence shall also be served upon BNSF's representatives: Adrian L Steel, Ir., Esq., Mayer, Brown, Rowe & Maw LLP, 1909 K Street, NW, Washington, DC 20006, (202), 263-3237, FAX number (202) 263-5237; and Sgrah W. Bariliff, BNSF Railway Company, 2500 Loss Menk Drive, Fort Worth, TX 76131, (817) 352-2354, BAX number (817) 352-2397.

A copy of the application is available for public inspection at the offices of the Surface Transportation Board and the applicant, BNSP Railway Company, 2500 Los Menk Drive, Fort Worth, TX, 76131.

Dated: February 18, 2005

BSCRIBEO AND SWORD TO BEFORE WE THIS 24TH DAY OF FEBRUARY . 2005.

NOTARY PUBLIC, SOUTH DAKOTA MY COMMISSION EXPIRES

8/19/2009

REC'D. LAW DEPT.

MAR 04 2005

FORT WORTH

Affidavit of Publication

STATE OF SOUTH DAKOTA :ss **COUNTY OF TURNER**

I, Lisa Joffer of the City of Parker, County of Turner, State of South Dakota, being first duly sworn on oath, deposes and says:

The New Era is a weekly legal newspaper of general circulation, printed and published in the City of Parker, in said County of Turner, by The New Era, Lyon Sioux Press, publishers, and has been such legal newspaper during the times hereinafter mentioned; that the said newspaper has been in existence as such legal newspaper for more than one year prior to the publication of the notice hereunto attached, and has during all of said publication of the notice hereunto attached, and has during all of said time had, and now has, more than 200 bona fide subscribers; that the undersigned. The affiant, is the Office

Manager of the said not thereof and has personal	ewspaper, in charge of the acal knowledge of all the facts s	dvertisement department
the advertisement head	led:	tated in this amidavit and
#3660) - notice of ap	olication
	- 100 - 00 ap	pricatore
paper for Onl	to attached, is printed and pu successive weeks, once eac	iblished in the said news- ch week and on the same
day of the week, on the	following dates, to-wit:	
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On Thursday, the _	day of	
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On Thursday, the _	day of	; 200;
said newspaper, that no	being the full amount of nsures solely for the benefits arrangement or understandir other person and that no part person whomsoever.	of the publishers of the
	Subscribed and sworn to be	1114
	day ofMav	ch, 200 5
My Commission	•	Quil RHan
Expires:	Notary Public, Turner	County, South Dakota
<u>02/02,</u> 200 <u>6</u> .	+	نعاوه توارون به زار دینون پیدون و بیدون و به هماری از از در

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Notice of Application

Surface Transportation Board Finance Docket No. 34667 RAIL CARRIER: BNSF Railway:

Company
AGENCY: Surface Transportation

ACTION: Notice of Filing of a Railroad Application to Acquire and,
Operate Certain Rail Lines in South
Dakota and Iowa

BNSF Railway, SUMMARY: Company ("BNSF") has filed an application with the Surface Transportation Board seeking authority to acquire and operate certain railroad lines sweed by the State of South Dekota ("State") as described in a July 10, 1986 Operating Agreement between BNSF's predeces sor and the State. These lines include principally the lines from Milepost 777.0 near Aberdeen, South Dakota to Milepost 650.6 near Mitchell, South Dakota; from Milepost 518.9 near Sioux City, Iowa to Milepost 649.7 near Mitchell, South Dakota; from Milepost 293.1 near Canton, South Dakota to Milepost 650.6 near Mitchell, South Dakota; from Milepost 74.1 to Milepost 68.8 in Sioux Falls, South Dakota; from Milepost 68.8 near Sioux Falls, South Dakota to Milepost 49.4 near Canton, South Dakota; and from Milepost 511.9 to Milepost 518.9 in Sioux City, Iowa.

Any interested person may file writ-ten comments and evidence on the application with the Surface Transportation Board. Written comments and evidence are due on March 11, 2005, and comments should indicate the proceeding, STB Finance Docket No. 34667, and should be filed with the Surface Transportation Board, Office of K Street, N.W., Washington, D.C. 20423-0001. The original and ten copies of all comments and evidence shall be filed with the Board. A copy of each comment and evidence shall also be served upon BNSF's representatives: Adrian L. Steel, Jr., Esq., Mayer, Brown, Rowe & Maw LLP, 1909 K Street, NW, Washington, D.C. 20006, (202) 263-3237, FAX number (202) 263-5237; and Sarah W. Bailiff, BNSF Railway Company, 2500 Lou Menk Drive, Fort Worth, Texas 76131, (817) 352-2354, FAX number (817) 352-2397.

A copy of the application is avail-able for public inspection at the offices of the Surface Transportation Board and the applicant, BNSF Railway Company, 2500 Lou Menk Drive, Fort Worth,

_	Dated: Feb.18, 2005 (#3660, 3/03/05, The New Era)
Publ	ication Fees .\$
Nota	ary Fees \$
7	Total\$ <u>21.34</u>

Received Payment,

PRINTER'S AFFIDAVIT

STATE OF SOUTH DAKOTA, COUNTY OF BEADLE: ss.

I. Kristie Kahre, being duly sworn on oath, say that THE PLAINSMAN is a daily paper published at Huron, Beadle County, South Dakota, and that said newspaper has a bona fide circulation of at least 250 copies daily; that said newspaper has been published within said county for fifty-two consecutive weeks immediately prior to this date, that said newspaper is printed in whole or in part, in an office maintained at said place of publication; that I am Legal Advertising Coordinator of said newspaper and know the facts herein state. The annexed notice headed:

BNSF Railway Company - Surface Transportation Dock #34667

was published for <u>one</u> day, in said newspaper, and not in any supplement of the said newspaper, the publication was of the <u>23rd</u> day of <u>February, 2005</u>. That the full amount of <u>Twenty Eight 39/00</u> dollars insures to the benefit of the publisher of said newspaper; that no agreement or understanding for the division thereof has been made with any other person, and that no part there of has been agreed to be paid to any person whom so ever.

Brytin Lahr

Subscribed and sworn to before me this $\underline{28^{\text{th}}}$ day of $\underline{\text{February}}$, 2005.

Notary Public, South Dakota

My term expires ____08/27/2010

Legal # <u>67</u>

F.P. 2-23-05 SURFACE TRANSPORTATION BOARD FINANCE DOCKET NO. 34667 RAIL CARRIER: BNSF Railway Company AGENCY: Surface Transportation Board ACTION: Notice of Filing of a Railroad Application to Acquire and Operate Certain Rail Lines in South Dakota and lowa SUMMARY: BNSF Railway Company ("BNSF") has filed an application with the Surface Transportation Board seeking authority to acquire and operate certain railroad lines owned by the State of South Dakota ("State") as described in a July 10, 1986 Operating Agreement between BNSF's predecessor and the State. These lines include principally the lines from Milepost 777.0 near Aberdeen, South Dakota to Milepost 650.6 near Mitchell, South Dakota; from Milepost 518.9 near rom Milepost 518.9 near Sioux City, lowa to Milepost 649.7 near Mitchell, South Dakota; from Milepost 293.1 near Canton, South Dakota to Milepost 650.6 near Mitchell, South Dakota; from Milepost 74.1 to Milepost 68.8 in Sioux Falls, South Dakota; from Milepost 68.8 near Sioux Falls, South Dakota to Milepost 49.4 near Canton, South Dakota; and from

Milepost 511.9 to Milepost 518.9 in Sioux City, Iowa. Any interested person may file written comments and evidence on the application with the Surface Transportation Board. Written comments and evidence are due on March 11, 2005, and comments should indicate the proceeding, STB Finance Docket No. 34667, and should be filed with the Surface Transportation Board, Office of the Surface Transportation Unit, 1925 K Street, N.W., Washington, DC 20423-0001. The original and ten copies of all comments and evidence shall also be served upon BNSF's representatives: Adrian L. Steel, Jr., Esq., Mayer, Brown, Rowe & Maw LLP, 1909 K Street, N.W., Washington, DC 20006, (202) 263-3237, FAX number (202) 263-3237, FAX number (202) 263-3237, FAX number (202) 263-3237, A copy of the application is available for putilic inspection at the office of ins

A copy of the application is available for public inspection at the offices of the Surface Transportation Board and the applicant, BNSF Railway Company, 2500 Lou Menk Drive, Fort Worth, TX 76131.

Dated: February 18, 2005

No. 67 (adv.)

REC'D. LAW DEPT.

MAR 17 2005

FORT WORTH

STATE OF SOUTH DAKOTA SS.	
Delovie Aclamicht	
being first duly sworn, disposes and says: That (he) (she) is a resident	SURFACE T
of the County of Lincoln and State of South Dakota; that the LENNOX	FINANCE D
INDEPENDENT is a weekly legal newspaper of general circulation,	RAIL CARRIE
printed and published in Lennox, in said County and State, and is now,	ÁGENCY: S Board
and has been such newspaper continuously, during all the times herein-	ACTION: Noti
after mentioned; that the affiant is affiliated with said newspaper as	Application to Actain Rail Lines in
employer or employee and has personal knowledge of all the facts stated	SUMMARY: E
in this affidavit, and the notice and advertisement headed	("BNSF") has filed Surface Transport thority to acquire
	road lines owned
	road lines owned Dakota ("State") a 1986 Operating BNSF's predeces
Surface Transportation	BNSF's predeces: lines include princ
Savey we Honograff Tuitford	post 777.0 near A to Milepost 650.
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	South Dakota; fro
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was printed and published in the said newspaper/_successive	74.1 to Milepost 6
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said was on Thursday, the 24 day of Feb. A.D., 20 05	Canton, South Da 511.9 to Milepost 5
and that the succeeding publication was severally	Any interested comments and ev
on Thursday the day of A.D., 20	tion with the Surfac Written comments
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on Thursday the day of A.D., 20	of the Secretary, 0 K Street, N.W., W 0001. The origin
on Thursday the day of A.D., 20	comments and evi
that the fees charged for the printing and publication of said notice and	evidence shall a
advertisement in said newspaper as aforesaid were	BNSF's represent Jr., Esq., Mayer, Br 1909 K Street, I
Dollars Cents, and that said fees for the printing and	1909 K Street, I 20006, (202) 263-3
publishing of said notice and advertisement, and for the affidavit as	20006, (202) 263-3 263-5237; and S Railway Company Fort Worth, TX 7
aforesaid, have been fully paid; that the full amount of the fee charged	Fort Worth, TX 7
for the publishing of the said attached and annexed notice and advertisement inures to the benefit of the publishers of the said Lennox	FAX number (817) A copy of the
Independent, that no agreement or understanding for the division thereof	for public inspection Surface Transport
has been made with any other person, and that no part thereof has been	Surface Transport plicant, BNSF Raily Menk Drive, Fort V
agreed to be paid to any person, whomsever.	Dat
A land it any person, whomsoever.	(2-24)
Subscribed and sworn to before me this 25 day of	
Subscribed and sworn to before me this 25 day of	
Holedee	
Notary Public	
Lincoln County, South Dakota	
My Commission expires, 20 OQ .	
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RANSPORTATION BOARD

OCKET NO. 34667 ER:BNSF Railway Com-

urface Transportation

cice of Filing of a Railroad couire and Operate CerSouth Dakota and lowa
BNSF Railway Company of an application with the
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as described in a July 10,
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AFFIDAVIT OF PUBLICATION	(No. 1187522)
	(Feb. 25, 2005 - 17) SURPACE
STATE OF SOUTH DAKOTA}	TRANSPORTATION BOARD FINANCE DOCKET NO. 34667
§	RAIL CARRIER: BNSF Railway
COUNTY OF BROWN}	Company AGENCY: Surface Transporta-
M ρ , I	tion Board ACTION: Notice of Filing of a
being duly sworn, on his/her oath says: That	Railroad Application to Acquire and Operate Certain Rail Lines in
the AMERICAN NEWS is a daily newspaper of general circulation, printed and	South Dakota and lowa
published in Aberdeen, Brown County, South Dakota, by the Aberdeen News	SUMMARY: BNSF Railway Company ("BNSF") has filed an
Company, a corporation, and has been such a newspaper during the times hereinafter	application with the Surface Transportation Board seeking
mentioned; That affiant is an employee and principal clerk of said publisher and has	authority to acquire and operate certain railroad lines owned by
personal knowledge of all facts stated in this affidavit; That the advertisement	the State of South Dakota
Japal Nottee 4 1/87522	("State") as described in a July 10, 1986 Operating Agreement
- 1 That 1 th 67 300	between BNSF's predecessor and the State. These lines include
Touch til Roud	principally the lines from Milepost 777.0 near Aberdeen, South
Monsportation Doard	Dakota to Milepost 650.6 near
2000	Mitchell, South Daketa; from Milepost 518.9 near Sioux City,
& Marce Docket # 34667	lowa to Milepost 649.7 near Mitchell, South Dakota; from
a printed copy of which is hereunto attached, was printed and published in the regular	Milepost 293.1 near Canton, South Dakota to Milepost 650.6
and entire issue of said newspaper, and not in a supplement thereof, once each	near Mitchell, South Dakota; from
Day for successive Day	Milepost 74.1 to Milepost 68.8 in Sioux Falls, South Dakota; from
The first publication being made on the 35 day of 4, 2005.	Milepost 68.8 near Sloux Falls, South Dakota to Milepost 49.4
The second publication being made on the day of , 2005. The third publication being made on the day of , 2005.	near-Canton, South Dakota; and from Milepost 511.9 to Milepost
	518.9 in Sioux City, Iowa.
The fifth publication being made on theday of, 2005. The fifth publication being made on theday of, 2005.	Any interested person may file written comments and evidence
The sixth publication being made on the day of .2005:	on the application with the Sur- face Transportation Board. Writ-
That said newspaper is a legal newspaper published five days or more each week	ten comments and evidence are due on March 11, 2005, and
with a bona fide circulation of more than two hundred copies daily; published in the	comments should indicate the
English language within the said county of Brown for more than one year prior to the	proceeding, STB Finance Docket No. 34667, and should be filed
first publication of said notice; and printed in whole in an office maintained at the place of publication of said newspaper; That the whole amount of the fee paid for the	with the Surface Transportation Board, Office of the Secretary,
publication of the annexed notice is $\$ 42.47$, which insures solely	Case Control Unit, 1925 K Street, N.W., Washington, DC 20423-
to the benefit of said publisher; That no agreement or understanding for a division	0001. The original and ten cop-
thereof had been made with any other person; and That no part thereof has been	ies of all comments and evidence shall be filed with the Board. (A
agreed to be paid to any person whomsoever.	copy of each comment and evi- dence shall also be served upon
e 111 i Raile	BNSF's representatives: Adrian L. Steel, Jr., Esq., Mayer, Brown,
Dasla	Rowe & Maw LLP, 1909 K Street,
	NW, Washington, DC 20006, (202) 263-3237, FAX number
Subscribed and sworn to before me this 25 day of 4005.	(202) 263-5237; and Sarah W. Bailiff, BNSF Railway Company,
	2500 Lou Menk Drive, Fort Worth, TX 76131, (817) 352-2354, FAX
Daily Circulation 18,000	number (817) 352-2397. A copy of the application is
	available for public inspection at the offices of the Surface Trans-
	portation Board and the applicant,
Notary Public, Brown County, SE	BNSF Railway Company, 2500 Lou Menk Drive, Fort Worth, TX
, stown county, or	76131. Dated: February 18, 2005
	SEAL
My commission expires March 20, 2007	
11 WWW 40 , 200 /	

State of South Dakota)

:ss

County of Union)

Bruce L. Odson,

the publisher of the Leader-Courier, deposes and says that

The Leader-Courier

is a legal weekly newspaper of a general circulation, printed and published in Elk Point, County of Union, State of South Dakota, and has been such legal newspaper during the time hereinafter mentioned, and that affiant is and was during all the time hereinafter mentioned in charge of the advertising department thereof, and has personal knowledge of all the facts stated in this affidavit: and that the notice and advertisement headed:

Surface Transportation Board					
Finance Docket No. 34667					
a printed copy of which is hereunto attached and made a part hereof, was printed and published in the said newspaper at least once in					
each week for successive weeks; that said newspaper at the time of the first publication of said notice hereinafter stated, had, and still has, a bona fide circulation of over two hundred paid copies weekly, and had been published in the said County of Union for more than one year immediately prior to the date of the said publication of said notice, and that said newspaper during said times, was, and is, printed in part in an office maintained at said city of Elk Point, the said place of publication; that the first publication of said notice in said newspaper was					
on Thursday, the24day ofFebruary, 2005					
and that the succeeding publications were					
on Thursday, theday of,					
on Thursday, the day of,,					
on Thursday, the day of,					
that the fees for the printing and publishing of said notice and advertisement in said newspaper as aforesaid were					
\$					
Subscribed and sworn to before me					
this 24 day of February , 2005					

SURFACE TRANSPORTATION BOARD FINANCE DOCKET NO. 34667

RAIL CARRIER: BNSF Railway Company

AGENCY: Surface Transportation

Board ACTION: Notice of Filing of a Railroad Application to Acquire and Operate Certain Rail Lines in South

Dakota and Iowa

SUMMARY: BNSF Railway Company ("BNSF") has filed an applica-tion with the Surface Transportation Board seeking authority to acquire and operate certain railroad lines owned by the State of South Dakota ("State") as described in a July 10, 1986 Operating Agreement between BNSFs predecessor and the State. These lines include principally the lines from Milepost 777.0 near Aberdeen, South Dakota to Milepost 650.6 near Mitchell, South Dakota; from Milepost 518.9 near Sioux City, Iowa to Milepost 649.7 near Mitchell, South Dakota; from Milepost 293.1 near Canton, South Dakota to Milepost 650.6 near Mitchell, South Dakota; from Milepost 74.1 to Milepost 68.8 in Sioux Falls, South Dakota; from Milepost 68.8 near Sioux Falls, South Dakota to Milepost 49.4 near Canton, South Dakota; and from Milepost 511.9 to Milepost 518.9 in Sioux City,

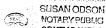
Any interested person may file written comments and evidence on the application with the Surface Transportation Board. Written comments and evidence are due on March 11, 2005, and comments should indicate the proceeding, STB Finance Docket No. 34667, and should be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423-0001. The original and ten copies of all com-ments and evidence shall be filed with the Board. A copy of each comment and evidence shall also be served upon BNSF's representatives: Adrian L. Steel, Jr., Esq., Mayer, Brown, Rowe & Maw LLP, 1909 K Street, NW, Washington, DC 20006, (202) 263-3237, FAX number (202) 263-5237; and Sarah W. Bailiff, BNSF Railway Company, 2500 Lou Menk Drive, Fort Worth, TX 76131, (817) 352-2354, FAX number (817) 352-2397.

A copy of the application is available for public inspection at the offices of the Surface Transportation Board and the applicant, BNSF Railway Company, 2500 Lou Menk Drive, Fort Worth, TX 76131.

Dated: February 18, 2005 Publish February 24, 2005

8-9-70 21.84

My commission expires 6-21-05



MOTARYPUBLIC SOUTH DAKOTA

Notary Public

State of South Dakota)

:ss

County of Union)

Bruce L. Odson,

the publisher of the Leader-Courier, deposes and says that

The Leader-Courier

is a legal weekly newspaper of a general circulation, printed and published in Elk Point, County of Union, State of South Dakota, and has been such legal newspaper during the time hereinafter mentioned, and that affiant is and was during all the time hereinafter mentioned in charge of the advertising department thereof, and has personal knowledge of all the facts stated in this affidavit: and that the notice and advertisement headed:

Surface Transportation Board
Finance Docket No. 34667
a printed copy of which is hereunto attached and made a part hereo was printed and published in the said newspaper at least once in
each week for successive weeks; that said news paper at the time of the first publication of said notice hereinafte stated, had, and still has, a bona fide circulation of over two hur dred paid copies weekly, and had been published in the said Count of Union for more than one year immediately prior to the date of th said publication of said notice, and that said newspaper during sait times, was, and is, printed in part in an office maintained at said cit of Elk Point, the said place of publication; that the first publication caid notice in said newspaper was
on Thursday, the24day ofFebruary2005
and that the succeeding publications were
on Thursday, theday of,
on Thursday, the day of,
on Thursday, the day of,
that the fees for the printing and publishing of said notice and advertisement in said newspaper as aforesaid were
\$
Subscribed and sworn to before me
this 24 day of February , 2005

SURFACE TRANSPORTATION BOARD FINANCE DOCKET NO. 34667

RAIL CARRIER: BNSF Railway Company AGENCY: Surface Transportation

Board

ACTION: Notice of Filing of a Railroad Application to Acquire and Operate Certain Rail Lines in South

Dakota and Iowa

SUMMARY: BNSF Railway Company ("BNSF") has filed an application with the Surface Transportation Board seeking authority to acquire and operate certain railroad lines owned by the State of South Dakota ("State") as described in a July 10, 1986 Operating Agreement between BNSF's predecessor and the State. These lines include principally the lines from Milepost 777.0 near Aberdeen, South Dakota to Milepost 650.6 near Mitchell, South Dakota; from Milepost 518.9 near Sioux City. Iowa to Milepost 649.7 near Mitchell, South Dakota; from Milepost 293.1 near Canton, South Dakota to Milepost 650.6 near Mitchell, South Dakota; from Milepost 74.1 to Milepost 68.8 in Sioux Falls, South Dakota; from Milepost 68.8 near Sioux Falls, South Dakota to Milepost 49.4 near Canton, South Dakota; and from Milepost 511.9 to Milepost 518.9 in Sioux City,

Any interested person may file written comments and evidence on the application with the Surface Transportation Board. Written comments and evidence are due on March 11, 2005, and comments should indicate the proceeding, STB Finance Docket No. 34667, and should be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423-0001. The original and ten copies of all comments and evidence shall be filed with the Board. A copy of each comment and evidence shall also be served upon BNSF's representatives: Adrian L. Steel, Jr., Esq., Mayer, Brown, Rowe & Maw LLP, 1909 K Street, NW, Washington, DC 20006, (202) 263-3237, FAX number (202) 263-5237; and Sarah W. Bailiff, BNSF Railway Company, 2500 Lou Menk Drive, Fort Worth, TX 76131, (817) 352-2354, FAX number (817) 352-2397.

A copy of the application is available for public inspection at the offices of the Surface Transportation Board and the applicant, BNSF Railway Company, 2500 Lou Menk Drive, Fort Worth, TX 76131.

Dated: February 18, 2005 Publish February 24, 2005

21.84

My commission expires 6-21-05

including voice monitors and force plates. The sixth grade did a lab with lasers.

The seventh grade did a lab using vernier equipment and electromagnets. The eighth grade did a DNA exploratory.

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA	
COUNTY OF GANDONS)SS	
COUNTY OF SANBORN	
Lillant Ho	
being the first duly swort, disposes and says: That she is a resident of the	\$1.00
county of pariporti and lowic of South Dakota that the contraction	
Journal, Inc. is a weekly newspaper of general, circulation, printed and published in the City of Woonsocket, in said County and State by:	
1/9//	
Jul aug talle	
and is now and has been such a newspaper continuously, during all the times hereinafter mentioned, that the affiant is and was during all the times	
hereinafter mentioned the printer and publisher of said newspaper in charge of the advertising department thereof; and has personal knowledge of all the	
facts stated in this affidavit, and that the notice and advertisement headed:	
- Unfort Vansportation	•
Board Sinance Dribet	
No. 34667	
a printed copy of which is hereunto attached and made a	
part thereof, was printed and published in the said newspaper once a week for consecutive issues.	
That the first publication of said notice in said newspapers	of olours
and that the succeeding publication was severally	y of Jeograf
on Thursday, the day of day of	A.D
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that the fees charged for printing and publication of said notice and advertisement aforesaid were Dollars and Cents and that it is	in said newspaper as
publishing of said notice and advertisement leads to the cents, and that said fee	s for the printing and
for the publishing of said attached and annual and interpretation in the full amount of the publishing of said attached and annual and annual	unt of the fee charged
made with any other person, and that he made with any other person, and that he	sion thereof has been
whomsoever. That the said newspaper is a legal newspaper as provided in Section 6.2 Code, as amended.	paid to any person, 5.0508, South Dakota
estryste in Luiv	11. TET beg. in 2007
-11 77	2
and Allam	te
Subscribed and swom to before me this day oftell warm	2005
Brunne	Kartlen
Jotary Public, Sanb	orn County, South Dakota

AFFIDAVIT OF PUBLICATION	SURFACE TRANSPORTATION BOARD FINANCE DOCKET NO. 34667 RAIL CARRIER: BNSF Railway
STATE OF SOUTH DAKOTA	Company AGENCY: Surface Transporta-
COUNTY OF SANBORN)ss	tion Board ACTION: Notice of Filing of a Railroad Application to Acquire and Operate Certain Rail Lines in South Dakota and lowa SUMMARY: BNSF Railway Com-
being the first duly sword, disposes and says: That she is a resident of the	pany ("BNSF") has filed an applica- tion with the Surface Transportation
County of Sanborn and State of South Dakota, that the Sanborn Weekly Journal, Inc. is a weekly newspaper of general circulation, printed and published in the City of Woonsocket, in said County and State by:	Board seeking authority to acquire and operate certain railroad lines owned by the State of South Dakota ("State") as described in a July 10,
1/0//	1986 Operating Agreement between
and is now and he had wild and	These lines include principally the
and is now and has been such a newspaper continuously, during all the times hereinafter mentioned; they the affiant is and was during all the times hereinafter mentioned the printer and publisher of said newspaper in charge of	erdeen, South Dakota to Milepost 650.6 near Mitchell, South Dakota; from Milepost 518.9 near Sioux City, lowa to Milepost 649.7 near Mitchell,
the advertising department thereof; and has personal knowledge of all the facts stated in this affidavit, and that the notice and advertisement headed:	South Dakota; from Milepost 293.1 near Canton, South Dakota to Mile-
- Supore Vanspotation	post 650.6 near Mitchell, South Da- kota; from Milepost 74.1 to Milepost
Board Jinanie Docket	68.8 in Sioux Falls, South Dakota; from Milepost 68.8 near Sioux Falls,
No. 34669	South Dakota to Milepost 49.4 fleat
a printed copy of which is hereunto attached and made a	Milepost 511.9 to Milepost 516.9 III
part thereof, was printed and published in the said newspaper	Any interested person may file written comments and evidence
once a week for consecutive issues.	on the application with the Sui-
That the first publication of said notice in said newspaper was on Thursday, the	d comments and evidence are due
on Thursday, the———day of —————	should indicate the proceeding, STB Finance Docket No. 34667, and should be filed with the Surface
on Thursday, the day of /	Transportation Board, Office of the
on Thursday, theday of	
on Thursday, theday of	copies of all comments and evidence
on Thursday, theday of	of each comment and evidence strail
on Thursday, the———day of —————	sentatives: Adrian L. Steel, VI., Log.,
on Thursday, theday of	
	(202) 263-5237; and Sarah W. Dallin,
on Thursday, theday of	Menk Drive, Fort Worth, 1X 76131, (817) 352-2354, FAX number (817)
foresaid were	said fee: able for public inspection at the of- full amount fices of the Surface Transportation insures Board and the applicant, BNSF the divis Railway Company, 2500 Lou Menk Drive, Fort Worth, TX 76131.
-11 M	
Subscribed and swom to before me this 2 day of Fell	tury 2005
Brus	W Kathen
Xotary Pu	iblic, Sanbom County, South Dakota

Affidavit of Publication

STATE OF SOUTH DAKOTA, COUNTY OF TERAULD, SS.
that he/she is a resident of the County of Jerauld and State of South Dakota; and the True Dakotan is a weekly newspaper of general circulation, published in Wessington Springs, in said county by J. Craig and Dennis P. Wenzel; and is now and has been such newspaper continuously, during all the times hereafter mentioned; that the affiant is, and was during all the times hereafter mentioned; that the affiant is, and was during all the times hereafter mentioned, the business manager of said newspaper, in charge of the advertising department thereof; and has personal knowledge of all facts stated in this affidavit:
and that the notice and advertisement headed Notice (BNSF)
a printed copy of which is hereunto attached and made a part hereof, was printed and published in said newspaper insuccessive issues. That the first publication of said notice in said newspaper aforesaid was on Tuesday, the Lay of Lay of Lay of the succeeding publications were:
on Tuesday, the
on Tuesday, theday of19
on Tuesday, theday of19
that the fee charged for the printing and publishing of said notice and advertisement in
said newspaper as aforesaid, was a Sudollars and Court cents, and for this affidavit; and that said fee for printing and publishing said notice and advertisement in said newspaper has been fully paid; that the full amount of fees charged for the publishing of the said attached and annexed notice and advertisement inures to the benefit of the publisher of the said True Dakotan; and no agreement or understanding for the division thereof has been made with any person whomsoever; that the said newspaper is a legal newspaper as provided by
law Raren Wenzel
Subscribed and sworp to before me, this 38day of John 14.05
Subscribed and sworn to before me, this 28 day of Feb. 1905
AFFIDAVIT EX-REL. PUBLICATIONS FEES STATE OF SOUTH DAKOTA, COUNTY OF JERAULD, SS.
being first duly sworn on his oath, says that he is one of the authorized attorneys of
thein the action mentioned and described in the annexed notice; that the affiant directed the publication of the annexed notice; that no agreement or understanding for any division of the fees therefore has been made with any person whomsoever; and that no part therefore has been refunded or rebated by the party publishing said notice.
Subscribed and sworn to before me thisday of
Notary Public, Jerauld County, South Dakota

SURFACE TRANSPORTATION BOARD **FINANCE DOCKET NO. 34667** RAIL CARRIER: BNSF Railway

Company Surface AGENCY: Transportation Board

ACTION: Notice of Filing of a Railroad Application to Acquire and Operate Certain Rail Lines in South Dakota and Iowa

SUMMARY: BNSF Railway Company ("BNSF") has filed an application with the Surface Transportation Board seeking authority to acquire and operate certain railroad lines owned by the State of South Dakota ("State") as described in a July 10, 1986 Operating Agreement between BNSF's predecessor and the State. These lines include principally the lines from Milepost 777.0 near Aberdeen, South Dakota to Milepost 650.6 near Mitchell, South Dakota; from Milepost 518.9 near Sioux City, Iowa to Milepost 649.7 near Mitchell, South Dakota; from Milepost 293.1 near Canton, South Dakota to Milepost 650.6 near Mitchell, South Dakota; from Milepost 74.1 to Milepost 68.8 in Sioux Falls, South Dakota; from Milepost 68.8 near Sioux Falls, South Dakota to Milepost 49.4 near Canton, South Dakota; and from Milepost 511.9 to Milepost 518.9 in Sioux City, Iowa.

Any interested person may file written comments and evidence on the application with the Surface Transportation Board. Written comments and evidence are due on March 11, 2005, and comments should indicate the proceeding, STB Finance Docket No. 34667, and should be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W. Washington, DC 20423-0001. The original and ten copies of all comments and evidence shall be filed with the Board. A copy of each comment and evidence shall also be served upon BNSF's representatives: Adrian L. Steel, Jr., Esq., Mayer, Brown, Rowe & Maw LLP, 1909 K Street, NW, Washington, DC 20006, (202) 263-3237, FAX number (202) 263-5237; and Sarah W. Bailiff, BNSF Railway Company, 2500 Lou Menk Drive, Fort Worth, TX 76131, (817) 352-2354, FAX number (817) 352-2397.

A copy of the application is available for public inspection at the offices of the Surface Transportation Board and the applicant, BNSF Railway Company, 2500 Lou Menk Drive, Fort Worth,

Affidavit of Publication

STATE OF SOUTH DAKOTA COUNTY OF LINCOLN

JULIE GERBER

being first duly sworn on her oath says; that the Sioux Valley News is a legal weekly newspaper of general circulation as required by South Dakota Code of Nineteen Hundred Thirty-Nine, and any acts amendatory thereto, printed and published by the Sioux Valley News, Inc., in Canton, in said county and State, and has been such legal newspaper during the time hereinafter mentioned; that she is and during all of said time was bookkeeper of said newspaper and has personal knowledge of the facts stated in this affidavit; that the advertisement headed:

SURFACE TRANSPORTATION BOARD FINANCE DOCKET NO. 34667

a printed copy of which is hereto attached, was printed and published in said newspaper for ONE successive weeks upon the following dates, to-wit:

FEBRUARY 24, 2005

that the full amount of the fees charged for publishing the same to-wit: the sum of \$19.03 insures solely to the benefit of the publishers of said newspaper; that no agreement or understanding for any division of this sum has been made with any other person; and that no part of said sum has been agreed to be paid to any person whomsoever.

Subscribed and sworn to before me this 24th day of FEBRUARY, 2005.

> annett magle Notary Public, South Dakota

(Seal)



SURFACE TRANSPORTATION BOARD
BOARD
FINANCE DOCKET
NO. 34667
RAIL CARRIER: BNSF Railway Company

AGENCY: Surface Transportation Board ACTION: Notice of Filing of a Railroad Application to Acquire and Operate Certain Rail Lines in South Dakota and Iowa

SUMMARY: BNSF Railway Company ("BNSF") has filed an application with the Surface Transportation Board seeking authority to acquire and operate certain railroad lines owned by the State of South Dakota ("State") as described in a July 10, 1986 Operating Agreement between BNSF's predecessor and the State. These lines include principally the lines from Milepost 777.0 near Aberdeen, South Dakota to Milepost 650.6 near Mitchell. South Dakota; from Milepost 518.9 near Sioux City, Iowa to Milepost 649.7 near Mitchell, South Dakota; from Milepost Mitchell, South Dakota; from Milepost 293.1 near Canton, South Dakota to Milepost 650.6 near Mitchell, South Dakota; from Milepost 74.1 to Milepost 68.8 in Sioux Falls, South Dakota; from Milepost 68.8 near Sioux Falls, South Dakota to Milepost 49.4 near Canton, South Dakota; and from Milepost 511.9 to Milepost 518.9 in Sioux City, Iowa.

Any interested person may file written

Any interested person may file written comments and evidence on the application with the Surface application with the Surface Transportation Board. Written comments and evidence are due on March 11, 2005, and evidence are due on March 11, 2005, and comments should indicate the proceeding, STB Finance Docket No. 34667, and should be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423-0001. The original and ten copies of all comments and evidence shall be filed with the Board. A copy of each comment and evidence shall also be served upon BNSF's representatives: Adrian I. Steel BNSF's representatives: Adrian L. Steel, Jr., Esq., Mayer, Brown, Rowe & Maw LLP, 1909 K Street, NW, Washington, DC 20006 (202) 263-3237, FAX number (202) 263-5237; and Sarah W. Bailiff, BNSF Railway Company, 2500 Leu Mork Deiter.

263-5237; and Sarah W. Bailiff, BNSF Railway Company, 2500 Lou Menk Drive, Fort Worth, TX 76131, (817) 352-2354, FAX number (817) 352-2397. A copy of the application is available for public inspection at the office of the Surface Transportation Board and the applicant, BNSF Railway Company, 2500 Lou Menk Drive, Fort Worth, TX 76131. Dated: February 18, 2005 (2-24)

STATE OF SOUTH DAKOTA COUNTY OF HUTCHINSON

SCOTT E. EHLER, BEING DULY SHORN. SAYS: THAT THE PARKSTON ADVANCE IS, AND DURING ALL THE TIME HERE-**INAFTER MENTIONED WAS, A WEEKLY** LEGAL NEWSPAPER AS DEFINED IN SDCL 17-2-2.1 THROUGH 17-2-2.4 INCLUSIVE, AS AMENDED, PUBLISHED AT PARKSTON, HUTCHINSON COUNTY, SOUTH DAKOTA BY THE PARKSTON ADVANCE, INC.; THAT AFFIANT IS AND DURING ALL OF SAID TIMES WAS. AN EMPLOYEE OF THE PUBLISHER OF SUCH NEWSPAPER AND HAS PERSONAL KNOWLEDGE OF THE FACTS STATED IN THIS AFFIDAVIT; THAT THE NOTICE, ORDER OR ADVERTISEMENT, A PRINTED COPY OF WHICH IS ATTACHED, WAS PUBLISHED IN SAID NEWSPAPER FOR 1 SUCCESSIVE ISSUES, BEARING THE FOLLOWING DATES:

THAT THE FULL AMOUNT OF THE FEE CHARGED FOR PUBLISHING THE SAME, TO-WIT, THE SUM OF \$23.76, INURES SOLELY TO THE BENEFIT OF THE PUBLISHER OF SAID NEWSPAPER: THAT NO AGREEMENT OR UNDERSTAND-ING FOR THE DIVISION OF THE FEE HAS BEEN MADE WITH ANY PERSON. AND THAT NO PART OF JHE FEE HAS BEEN AGREED TO BE PAID TO ANY OTHER PERSON.

JANUARY 23, 2005

SUBSCRIBED AND SWORN TO BEFORE ME THIS 23RD DAY OF FEBRUARY A.D., 2005

NOTARY PUBLIC, COUNTY OF HUTCHINSON, SOUTH DAKOTA

SEAL

KIM EHLER **Notary Public** South Dakota

MY COMMISSION EXPIRES JANUARY 12, 2010

SURFACE TRANSPORTATION **BOARD**

FINANCE DOCKET NO. 34667 RAIL CARRIER: BNSF Railway Company

AGENCY: Surface Transportation Board

ACTION: Notice of Filing of a Railroad Application to Acquire and Operate Certain Rail Lines in South Dakota and Iowa

SUMMARY: BNSF Railway Company ("BNSF") has filed an application with the Surface Transportation Board seeking authority to acquire and operate certain railroad lines owned by the State of South Dakota "State") as described in a July 10, 1986 Operating Agreement between BNSF's predecessor and the State. These lines include principally the lines from Milepost 777.0 near Aber-deen, South Dakota to Milepost 650.6 near Mitchell, South Dakota; from Milepost 518.9 near Sioux City, Iowa to Milepost 649.7 near Mitchell, South Dakota; from Milepost 293.1 near Can-ton, South Dakota to Milepost 650.6 near Mitchell, South Dakota; from Milepost 74.1 to Milepost 68.8 in Sioux Falls, South Dakota; from Milepost 68.8 near Sioux Falls, South Dakota to Milepost 49.4 near Canton, South Dakota; and from Milepost 511.9 to Milepost 518.9 in Sioux City, Iowa.

Any interested person may file written comments and evidence on the application with the Surface Transportation Board. Written comments and evidence are due on March 11. 2005, and comments should indicate No. 34667, and should be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20432 0001. The original and the DC 20423-0001. The original and ten copies of all comments and evidence shall be filed with the Board. A copy

of each comment and evidence shall also be served upon BNSF's representatives: Adrian L. Steel, Jr., Esq., Mayer, Brown, Rowe & Maw LLP, 1909 K Street, NW, Washington, DC 20006, (202) 263-3237, FAX number (202) 263-5237; and Sarah W. Bailiff, BNSF Rail-

5237; and Sarah W. Balliff, BNSF Railway Company, 2500 Lou Menk Drive, Fort Worth, TX 76131, (817) 352-2354, FAX number (817) 352-2397.

A copy of the application is available for public inspection at the offices of the Surface Transportation. Board and the applicant, BNSF Railway Company, 2500 Lou Menk Drive, Fort Worth, TX 76131.

Dated: February 18, 2005

8Ac SNAXLP

Affidavit of Publication

State of South Dakota County of Bon Homme

..... 20.....

ebecca LYCZ Being first duly sworn says that The Scotland Journal is a legal weekly newspaper for the publication of legal and other official notices as required by the South Dakota Revised Code of Nineteen Hundred Nineteen, and any amendments thereof, printed and published in the City of Scotland, County of Bon Homme, and State of South Dakota, and has been such a legal newspaper during the time hereinafter mentioned, with a bona fide circulation of at least 250 copies weekly, and published within said county for more than 52 successive weeks prior to the first time herein mentioned and is printed in the English language in whole or in part in an office maintained at the place of publication and that deponent is the publisher in charge of the advertising department of said newspaper; that the advertisement headed

Surface Transportation Board

a printed copy of which hereto attached, was printed and published in said newspaper for successive weeks, upon the following dates:

Jeb 23 20.05 20..... 20..... 20..... 20..... 20.....

the publisher of said newspaper, that no agreement or understanding for the division thereof has been made with any other person, and that no part has been agreed to be paid to any person whomsoever.

PEGGY29CHELSKE NOTARY PUBLICIAN SEATON

Notary Public, South Dakota

..... 20.....

My commission expires Oct. 24, 2009

SURFACE TRANSPORTATION BOARD

FINANCE DOCKET NO. 34667 RAIL CARRIER: BNSF Railway

Company AGENCY:

Surface

Transportation Board ACTION:

Notice of Filing of a Railroad Application to Acquire and Operate Certain Rail Lines in

South Dakota and Iowa SUMMARY: BNSF Railway Com-pany ("BNSF") has filed an application with the Surface Transportation Board seeking authority to acquire and operate certain railroad lines owned by the State of South Dakota ("State") as described in a July 10, 1986 Operating Agreement between BNSF's predecessor and the State. These lines include principally the lines from Milepost 777.0 near Aberdeen, South Dakota to Milepost 650.6 near Mitchell, South Dakota; from Milepost 518.9 near Sioux City, Iowa to Milepost 649.7 near Mitchell, South Dakota; from Milepost 293.1 near Canton, South Dakota to Milepost 650.6 near Mitchell, South Dakota; from Milepost 74.1 to Milepost 68.8 in Sioux Falls, South Dakota; from Milepost 68.8 near Sioux Falls, South Dakota to Milepost 49.4 near Canton, South Dakota; and from Milepost 511.9 to Milepost 518.9 in Sioux City, Iowa.

Any interested person may file written comments and evidence on the application with the Surface Transportation Board. Written comments and evidence are due on March 11, 2005, and comments should indicate the proceeding, STB Finance Docket No. 34667, and should be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423-0001. The original and ten copies of all comments and evidence shall be filed with the Board. A copy of each comment and evidence shall also be served upon BNSF's representatives: Adrian L. Steel, Jr., Esq., Mayer, Brown, Rowe & Maw LLP, 1909 K Street, NW, Washington, DC 20006 (202) 263-3237, FAX number (202) 263-5237; and Sarah W. Bailiff, BNSF Railway Company, 2500 Lou Menk Drive, Fort Worth, TX 76131, (817) 352-2354, FAX number (817) 352-2397.

A copy of the application is available for public inspection at the offices of the Surface Transportation Board and the applicant, BNSF Railway Company, 2500 Lou Menk Drive, Fort Worth, TX 76131.

(February 23)

Public Notice

SURFACE TRANSPORTATION BOARD

FINANCE DOCKET NO. 34667 RAIL CARRIER: BNSF Railway Company

AGENCY: Surface Transportation Board

ACTION: Notice of Filing of a Railroad Application to Acquire and Operate Certain Rail Lines in South Dakota and Iowa

SUMMARY: BNSF Railway Company ("BNSF") has filed an application with the Surface Transportation Board seeking authority to acquire and operate certain railroad lines owned by the State of South Dakota ("State") as described in a July 10, 1986 Operating Agreement between BNSF's predecessor and the State. These lines include principally the lines from Milepost 777.0 near Aberdeen, South Dakota to Milepost 650.6 near Mitchell, South Dakota; from Milepost 518.9 near Sioux City, Iowa to Milepost 649.7 near Mitchell, South Dakota; from Milepost 293.1 near Canton, South Dakota to Milepost 650.6 near Mitchell, South Dakota; from Milepost 74.1 to Milepost 68.8 in Sioux Falls, South Dakota; from Milepost 68.8 near Sioux Falls, South Dakota to Milepost 49.4 near Canton, South Dakota; and from Milepost 511.9 to Milepost 518.9 in Sioux City, Iowa.

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A copy of the application is available for public inspection at the offices of the Surface Transportation Board and the applicant, BNSF Railway Company, 2500 Lou Menk Drive, Fort Worth, TX 76131

Dated: February 18, 2005

2-24



Printer's Affidavit of Publication

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA)

)SS

COUNTY OF McCOOK)

TROY SCHWANS of said County and State, being first duly sworn on his oath, says THE SALEM SPECIAL is a weekly newspaper of general circulation, printed and published in Salem, McCook County and State of South Dakota, and has been such newspaper during the times hereinafter mentioned; that the said newspaper is a legal newspaper, that it has a bonafide circulation of more than 200 copies weekly, that it has been published within said County of McCook for more than fifty-two successive weeks prior to the publication of the notice hereinafter mentioned and has been printed during said period and at the present time, in whole in an office maintained at said place of publication; and that I, the undersigned, am publisher or employee of said newspaper, in charge of the advertising department thereof, and have personal knowledge of all facts in this affidavit;

that the advertisement headed	
BNSF Railway	
Docket 34667	
a printed copy of which is hereto attached, was printed and in the newspaper for weeks; that said notice was puthe issues of said paper on the dates as follows, to wit:	
The first publication being made on	
Feb 24	. ,20 <i>0</i> 5.
the second publication on	. ,20
the third publication on	. ,20
the fourth publication on	. ,20
the fifth publication on	. ,20
the sixth publication on	. ,20
and the last publication on	. ,20
that \$2.9.6.4 being the full amount of the fees for publical annexed notice, insures solely to the benefit of the publical said newspaper; that no agreement or understanding for thereof has been made with any person; and that no part the been agreed to be paid to any person whomsoever.	her of the a division hereof has
Subscribed and sworn to before me this3rd	
day of	
Tamara . EP.aulsen	
Notary Public,	ounty
My commission expires \dots $\bigcirc \mathcal{B} \cdot \bigcirc \mathcal{R} \cdot \bigcirc \mathcal{R} \cdot \bigcirc \mathcal{R}$	

Public Notice &

SURFACE TRANSPORTATION BOARD

FINANCE DOCKET NO. 34667 RAIL CARRIER: BNSF Railway

AGENCY: Surface Transportation Board

ACTION: Notice of Filing of a Railroad Application to Acquire and Operate Certain Rail Lines in South Dakota and Iowa

SUMMARY: BNSF Railway Company ("BNSF") has filed an Surface application with the Transportation Board seeking authority to acquire and operate certain railroad lines owned by the State of South Dakota ("State") as described in a July 10, 1986 Operating Agreement between BNSF's predecessor and the State. These lines include principally the lines from Milepost 777.0 near Aberdeen, South Dakota to Milepost 650.6 near Mitchell, South Dakota; from Milepost South Dakota, from Milepost 5649.7 near Milepost 649.7 near Milepost 293.1 near Canton, South Dakota to Milepost 650.6 near Mitchell, South Dakota; from Milepost 74.1 to Milepost 68.8 in Sioux Falls, South Dakota; from Milepost 68.8 near Sioux Falls, South Dakota to Milepost 49.4 near Canton, South Dakota; and from Milepost 511.9 to Milepost 518.9 in Sioux City, Iowa.

Any interested person may file written comments and evidence on the application with the Surface Transportation Board. Written comments and evidence are due on March 11, 2005, and comments should indicate the proceeding, STB Finance Docket No. 34667, and should be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423-0001. The original and ten copies of all comments and evidence shall be filed with the Board. A copy of each comment and evidence shall also be served upon BNSF's representatives: Adrian L. Steel, Jr., Esq., Mayer, Brown, Rowe & Maw LLP, 1909 K Street, NW, Washington, 20006, (202) 263-3237, FAX number (202) 263-5237; and Sarah W. Bailiff, BNSF Railway Company, 2500 Lou Menk Drive, Fort Worth, TX 76131, (817) 352-2354, FAX number (817) 352-2397.

A copy of the application is available for public inspection at the offices of the Surface Transportation Board and the applicant, BNSF Railway Company, 2500 Lou Menk Drive, Fort Worth, TX 76131.

Dated: February 18, 2005



Printer's Affidavit of Publication

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA)

)SS

COUNTY OF McCOOK)

TROY SCHWANS of said County and State, being first duly sworn on his oath, says THE BRIDGEWATER TRIBUNE is a weekly newspaper of general circulation, printed and published in Bridgewater, McCook County and State of South Dakota, and has been such newspaper during the times hereinafter mentioned; that the said newspaper is a legal newspaper, that it has a bonafide circulation of more than 200 copies weekly, that it has been published within said County of McCook for more than fifty-two successive weeks prior to the publication of the notice hereinafter mentioned and has been printed during said period and at the present time, in whole in an office maintained at said place of publication; and that I, the undersigned, am publisher or employee of said newspaper, in charge of the advertising department thereof, and have personal knowledge of all facts in this affidavit;

that the advertisement headed
BNSF Railway
Docket 34667
a printed copy of which is hereto attached, was printed and published in the newspaper for. f weeks; that said notice was published in the issues of said paper on the dates as follows, to wit:
The first publication being made on
Feb. 24,2005.
the second publication on ,20
the third publication on ,20
the fourth publication on ,20
the fifth publication on,20
the sixth publication on ,20
and the last publication on,20
that \$2.4.64. being the full amount of the fees for publication of the annexed notice, insures solely to the benefit of the publisher of the said newspaper; that no agreement or understanding for a division thereof has been made with any person; and that no part thereof has been agreed to be paid to any person whomsoever.
Subscribed and sworn to before me this 3rd
day of March 2005.
Notary Public,
My commission expires $08-09-09$

Sarah Whitley Bailiff

Invoice Number:

Argus Leader AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

COUNTY OF MINNEHAHA

Betty Jones being duly sworn, says: That The Argus Leader is, and during all the times hereinafter mentioned was, a daily legal newspaper as defined by SDCL 17-2-21, as amended published at Sioux Falls, Minnehaha County, South Dakota; that affiant is and during all of said times, was an employee of the publisher of such newspaper and has personal knowledge of the facts stated in this affidavit; that the notice, order or advertisement, a printed copy of which is hereto attached, was published in said newspaper upon

Wednesday	,the	23 day of	February	2005,		
	,the _	day of	•	2005,		
	,the _	day of		2005,		
	,the _	day of		2005,		
	,the _	day of		2005,		
	,the _	day of		2005,		
	,the _	day of		2005,		
and that \$_\$56.39 was charged for publishing the same including a \$5.00 affidavit fee.						
Subscribed and sworn to before me 2/23/2005						
Subscribed and sworn to before me 2/23/2005						
JOAN STAHL						

Notary Public, South Dakota

My Commission expires June 30, 2005

Miscellaneous

SURFACE
TRANSPORTATION BOARD
FINANCE DOCKET
NO. 34667
RAIL CARRIER: BNSF Rail-

AGENCY: Surface Transpor-tation Board
ACTION: Notice of Filing of a Railroad Application to Acquire and Operate Certain Rail Lines in South Dakota and Iowa SUMMARY: BNSF Railway Company ("BNSF") has filide an application with the Surface Transportation Board speking authority to acquire are Transportation Board seesung authority to acquire and operate certain railroad lines owned by the State of South Dakota ('State') as described in a July 10, 1986 Operating Agreement between BNSF's predecessor and the State of the state of

2397.

A copy of the application is available for public inspection at the offices of the Surface Transportation Board and the applicant, BNSF Railway Company, 2500 Lou Menk Drive, Fort Worth, TX 76131.

Dated: February 18, 2005 806753 Feb. 23, 2005